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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/12/2003

Georg Mayer

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EXAMINER

ROBERTSON, DAVID

ART UNIT

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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/662,057	MAYER, GEORG	
	Examiner	Art Unit	
	Dave Robertson	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/12/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a Non-final First Office Action on the Merits on claims 1-16.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 recites a computer-readable medium encoded with a data structure for performing the method of claim 1. However, it is unclear how a data structure performs a method. A data structure encoded on a medium is non-functional data per se. For purposes of examination the claim will be taken to recite automating by computer the method of claim 1.

Appropriate amendment or clarification is requested.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 recites a computer-readable medium encoded with a data structure for performing the method of claim 1. However, a data structure recorded on a medium is non-functional data per se. Non-functional data even if encoded on a computer-readable medium, without more, is not a recognized statutory class of patentable subject matter.

Appropriate amendment or clarification is requested.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-3, 5-8, 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Du et al (US Pat. No. 6,823,357 filed June 27, 2000, herein "Du").

The present invention discloses a method of providing a user a notification about a calendar based event using the session initiation protocol (SIP), an internet-based,

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industry standard for communication of data between application software at the application layer of the Open Systems Communication (OSI) network model (Specification, pages 1-3), including providing user notifications when the user connects or is already connected through a terminal to a network capable of providing notifications and calendar-based event information.

Du discloses automated, internet-based methods and a system for providing users notifications about calendar-based events using application-to-application internet-based protocols, and including providing a user notification when the user connects or is already connected through a terminal to a network capable of providing the notifications (see Summary).

Examiner notes to Applicant that claims in examination are to be given their broadest reasonable interpretation. See MPEP 2106 Patent Subject Matter Eligibility. Examiner also notes that several limitations in the claims are presented in the alternative ("or"). Broadest reasonable interpretation requires that limitations in the alternative read on prior art meeting either of the listed alternatives.

Specifically with respect the claims as presented:

Claim 1

Du teaches a method for a user to receive an alarm about a pending calendar event, or an overdue to-do, from an electronic calendar system that serves at least the user (see Abstract and Summary esp. column 2 from line 6 and column 4 from line 15 with regard to sending an update message signal to notify user of updates to scheduled

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calendar events, consistent with the disclosure of the present information in providing the user with notifications when information about calendar events change), comprising:

accessing a network that connects a user terminal to the calendar system (see at least column 3 from line 3);

sending a subscribe request for the at least one alarm (see at least column 3 from line 23: user subscribes to Subscribe Calendar);

receiving a notification in response to the subscribe request, to notify the user about at least one alarm that was already triggered before the accessing step (see at least column 4 from line 15).

Claim 2

Du teaches wherein the subscribe request is sent each time the user terminal accesses the network, or is sent before the accessing step (see column 3 from line 34 and column 4 from line 46: describing users subscribing to Subscribe Calendar to receive information about subscribed calendar events *before* (prior to) the user accesses the network; and column 4 from 46 allowing non-automatic (not previously subscribing) users to subscribe upon receiving information about calendar events, i.e. subscribing *after* accessing the network).

Claim 3

Du teaches receiving at least one further notify message describing an alarm that is triggered while the user terminal has access to the network (see column 4 from line 15 and column 6 from line 51 (email interface): emailed notifications generated in response to change in subscribed calendar information sent while user terminal is

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connected to the network are received by user while the user terminal has access to network).

Claim 5

Du teaches wherein the further notify message is sent substantially simultaneously to the user terminal and at least one other terminal, wherein the notification is sent only to one terminal which is the user terminal (see column 4 from 36 teaching sending the user a notifying message and simultaneously updating the user's Internet calendar or other calendar service or software to incorporate change information to the user's calendar; see also column 7 from line 47 describing automatic email notifying user that personal has been updated).

Claim 6

Du teaches wherein the subscribe request is sent to a centralized calendar server (see column 3 from line 33: the "Subscriber Calendar Server" is a "centralized" calendar server).

Claim 7

Du teaches wherein the subscribe request is sent to a respective server for the calendar corresponding to the user terminal (in Du, the "respective server" for the user is the "Subscriber Calendar Server", serving all users and as such is the server "corresponding to the user terminal").

Claim 8

Du teaches wherein the sending step and the receiving step are each followed substantially immediately by an "okay" (i.e. a data acknowledgement) response (see

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column 7 from 14: as with the present invention's disclosure of acknowledgement signals sent via SIP, the "Subscriber Calendar Server" sends a confirmation message signal (an "okay") in response to receiving a signal from the Subscriber Calendar Locator service).

Claim 10

Du teaches wherein the subscribe request is sent with a calendar tag in an event header, and wherein the subscribe request contains information about at least one pending calendar event (...it is inherent in Du that the notification of the update to the calendar event is "tagged" (identified) as a notification of an update to a calendar event; any communication failing to identify, i.e. "tag" with meta data its content and purpose, is inoperable in a data communication system carrying messages of other types of content (as in an email system or internet protocol).

Claim 11

Du teaches wherein the notification contains an internet link to a corresponding calendar entry (see column 4 line 61).

Claims 12-16 recite computer programs and automated systems for automating the steps of methods of claims 1-3 as above, and is similarly rejected for reasons given above and that Du expressly teaches computer automated methods and systems.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du et al (US Pat. No. 6,823,357) as applied to claim 1 above.

Claims 4 and 9 recite the method of claim 1 wherein the subscribe request utilizes and is formatted based on a session initiation protocol (SIP), wherein content is defined by a SIP event package, and further (claim 9), where the event package includes extensible markup language (XML). Du does not expressly teach the use of *these particular internet standards* SIP and XML to subscribe to and to format calendar event information.

However, Internet standards play a significant role in data communications on the internet, allowing different systems from different vendors to communicate information over the internet by accepted industry standard protocols. This “interoperability” benefits the user by increasing the options for users of different software to subscribe to common and useful internet-based services. Du expressly teaches that the Subscribe Calendar Service exchanges calendar information with other commercially available, internet-accessible electronic calendar software, e.g. Microsoft Outlook, Yahoo Calendar (see column 3 from line 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the Internet

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standards SIP and XML in the subscribe request and content formatting of Du because using these particular industry standards would have offered a protocol and format for implementation of the calendar event notifications, thus increasing user options for personal calendar software tools while benefiting from the common calendar event services such as that taught by Du.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Horvitz et al (US Pat. Pub. 2003/0097485) discloses a notification platform for notifying users of subscribed information with emphasis on delivering information appropriate to the user's present context, including whether or not the user is connected to a terminal and to what type of terminal the user is connected.

Tuomi (US Pat. Pub. 2004/0093418) discloses using of internet standard protocols to maintain user/subscriber profiles for information subscription services, including the protocols acknowledgment and response messages (i.e. "okay") between terminals in the data communications network.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Robertson whose telephone number is 571-272-8220. The examiner can normally be reached on 8:15am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. R./
Examiner, Art Unit 3623

/Romain Jeanty/
Primary Examiner, Art Unit 3623
March 31, 2008